

 ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

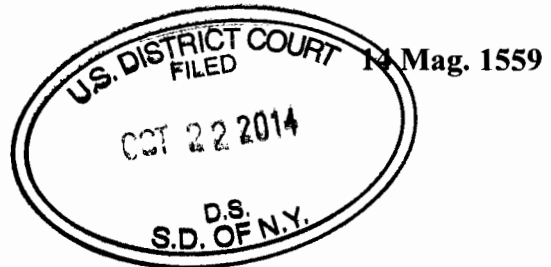
v.

PATRICK KILCOYNE,

*Defendant.*

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**Application in Support of Request for  
Order of Continuance**



State of New York )  
County of New York : ss.:  
Southern District of New York )

Negar Tekeei, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Preet Bharara, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint dated July 17, 2014, with a violation of 21 U.S.C. §§ 812, 841(a)(1), (b)(1)(C) and 846. The defendant was arrested on July 16, 2014, and was presented before Magistrate Judge James C. Francis on July 22, 2014. The defendant was represented by Jeffrey Lichtman, Esq. and ordered released on the following conditions: \$500,000 personal recognizance bond co-signed by two financially responsible persons and secured by property; travel limited to the Southern District of New York and the Eastern District of New York; surrender of all travel documents and no new applications; regular pretrial supervision; and drug testing and treatment.

3. At the initial presentment, defense counsel consented to a waiver of his client's right pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within 21 days of the initial appearance. On or about August 21, 2014, the Honorable Michael H. Dolinger entered an Order of Continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A), extending the time within which an indictment or information would otherwise have had to be filed in this case until September 22, 2014. On or about September 22, 2014, the Honorable Kevin Nathaniel Fox entered an Order of Continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A), extending the time within which an indictment or information would otherwise have had to be filed in this case until October 22, 2014. Accordingly, under the Speedy Trial Act the Government initially has until October 22, 2014 within which to file an indictment or information.

4. Defense counsel and I have had discussions regarding a possible disposition of this case. The negotiations have not been completed and we plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on October 22, 2014.

5. Therefore, the Government is requesting a 30-day continuance until November 21, 2014, to continue the foregoing discussions and reach a disposition of this matter. On October 21, 2014, I received correspondence from defense counsel, Jeffrey Einhorn, Esq., who specifically consented to this request on behalf of his client. This application has been authorized by Assistant United States Attorney Andrew Dember, Deputy Chief of the Criminal Division.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: October 22, 2014  
New York, New York

  
Negar Tekeci  
Assistant United States Attorney  
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